

GENERAL, ADMINISTRATIVE AND MISCELLANEOUS1-30. Freedom of Information ActDetermination to Release/Withhold Responsive Records

1. AUTHORITY: To make initial determinations relative to releasing or withholding records pursuant to the positive and negative determinations relative to the release of information pursuant to the Freedom of Information Act, 5 U.S.C. 552 and 40 CFR Part 2.

2. TO WHOM DELEGATED:

- a. The authority to issue-make initial DENIALS (full or partial) of requests for existing records is delegated to Division or Office Directors.
- b. The authority to issue a determination that requested records do not exist or cannot be located is delegated to Branch Chiefs or equivalent management positions.
- ~~c. The authority to make initial determinations relative to the FULL release of materials and to extend the date for response of an initial determination is delegated to Branch Chiefs.~~

Commented [mja1]: extension of the date for response for initial determinations has been reserved to the HQs EPA FOIA office by the new Agency SOP

3. LIMITATIONS:

If any records are withheld, or if the request relates to enforcement sensitive records, it is necessary to coordinate the response with the Office of Regional Counsel (ORC). The draft response will need to be reviewed by the responsible ORC attorney before it is finalized. The final reply must be concurred on by ORC.

4. REDELEGATION AUTHORITY:

- a. The authority in 2.b. and 2.c. can be redelegated to the staff level.
- b. These authorities may not be redelegated further without formal amendment.
- b.c. An official who redelegates authority does not divest himself/herself of the power to exercise that authority, and an official who redelegates authority may revoke such redelegation at any time.

Commented [mja2]: SOP is written around the idea of a manager, somewhere in the region, signing off on these things if we're going to send stuff out

5. SUPERSESSION: This delegation supersedes Delegation 1-30. Freedom of Information dated 11/4/04.

6. ADDITIONAL REFERENCES:

Region III Interim FOIA SOP

Date _____

Shawn M. Garvin
Regional Administrator